

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

R.K.,

Plaintiff,

NO. 04-2338 RSM

vs.

PLAINTIFF'S COST PETITION

THE CORPORATION OF THE PRESIDENT  
OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation  
sole, a/d/a "MORMON CHURCH";

NOTED FOR: NOVEMBER 14, 2006

Defendant.

**I. RELIEF REQUESTED**

COMES NOW, Plaintiff R.K., by and through his counsel of record, and requests that the Clerk of this Court grant Plaintiff's Cost Petition pursuant to Fed. R. Civ. P. 54.

**II. EVIDENCE RELIED UPON**

This Motion is based on the Declaration of Michael T. Pfau filed in support of Plaintiff's Cost Petition and the attachments thereto.

**III. AUTHORITY**

Pursuant to Fed. R. Civ. P. 54(d)(1), costs other than attorney fees shall be allowed as a matter of course to the prevailing party, and costs recoverable under CR 54(d)(1) are enumerated in 28 U.S.C. §§1821, 1920. Here, there is no dispute Plaintiff is the prevailing party. Accordingly, Plaintiff respectfully moves for witness fees as necessary for trial and for

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(04-2338RSM)  
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depositions;<sup>1</sup> travel and mileage expenses for witnesses (both for trial and for depositions);<sup>2</sup> expenditures incident to the litigation which were ordered by the court;<sup>3</sup> fees of the court reporter for stenographic transcripts necessarily obtained for use in the case (including the cost of videotaping depositions of witnesses who would not be available at trial);<sup>4</sup> fees and disbursements for printing;<sup>5</sup> and fees for copies of papers necessary for use in the case.<sup>6</sup>

All costs have been specified, so that they can be readily understood, in the Declaration of Michael T. Pfau. *See* LCR 54(d)(1). Plaintiff R.K. incurred \$14,122.14 in costs and litigation expenses in prosecuting this matter.

#### IV. CONCLUSION

The Plaintiff respectfully requests that the Clerk of this Court award Plaintiff \$14,122.14 in costs pursuant to Fed. R. Civ. P. 54.

RESPECTFULLY SUBMITTED this 3rd day of November, 2006.

GORDON, THOMAS, HONEYWELL,  
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By /s/ Michael T. Pfau

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<sup>1</sup> *See* 28 U.S.C. § 1821 (a)(1), (b).

<sup>2</sup> *See* 28 U.S.C. § 1821 (c), (d).

<sup>3</sup> *See* Fed. Loc. R. Civ. P. 54(d)(1).

<sup>4</sup> *See* 28 U.S.C. § 1920 (2). It is within the sound discretion of the Court to award costs pursuant to depositions, and so long as those depositions are reasonable necessary for use in the case, the Court can tax those costs, even though no part of the deposition was read into the record. *George R. Hall, Inc. v. Superior Trucking Co.*, 532 F. Supp. 985 (ND GA 1982); *Wade v. Mississippi Cooperative Extension Service*, 64 F.R.D. 102 (ND Miss 1974); *Alonso v. Union Oil Co.*, 71 F.R.D. 523 (SD NY 1976). The cost of videotaping the deposition of a witness who would not be available at trial is recoverable. *Fressell v. AT & T Technologies, Inc.*, 103 F.R.D. 111 (ND GA 1984).

<sup>5</sup> *See* 28 U.S.C. § 1920 (3)

<sup>6</sup> *See* 28 U.S.C. § 1920 (4).

LAW OFFICES OF TIMOTHY D. KOSNOFF

By /s/ Timothy D. Kosnoff

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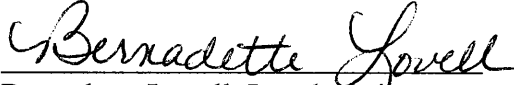
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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2006, I electronically filed the foregoing PLAINTIFF'S COST PETITION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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